



California Regional Water Quality Control Board Lahontan Region



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Arnold Schwarzenegger
Governor

MINUTES May 23-24, 2007 Lancaster, California

Regular Meeting

Lancaster City Council Chambers
44933 Fern Avenue
Lancaster, CA 93534

Amy Horne, Ph.D., Chair, called the meeting to order at 1:45 p.m. on May 23, 2007.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Jack Clarke, Apple Valley
Keith Dyas, Rosamond (present to recusal 5/23)
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

Keith Dyas (absent after recusal on 5/23
and on 5/24)

LEGAL COUNSEL

David Coupe, State Water Resources Control Board
Steven Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Mike Coony, WRCE
Robert S. Dodds, Assistant Executive Officer	Scott Ferguson, Senior WRCE
Chuck Curtis, Supervising WRCE	Laurent Meillier, Engineering Geologist
Lauri Kemper, Supervising WRCE	Alan Miller, Senior WRCE
Cindi Mitton, Senior WRCE	Eric Shay, Staff Services Analyst
Mike Plaziak, Senior Engineering Geologist	Curt Shifrer, WRCE
Laurie Applegate, Executive Assistant	

ADDRESSING THE BOARD

Steve Maguin and Ray Tremblay, County Sanitation Districts of Los Angeles
Eugene B. Nebeker, Ph.D., Nebeker Ranch
Curtis Paxton, Palmdale Water District
Alisha Semchuck, Antelope Valley Press

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Note: Keith Dyas noted a conflict of interest with closed session items 1g and 1h, and items 3, 4 and 5 because of his employment with Edwards Air Force Base. Mr. Dyas was not present during the afternoon closed session or the evening session on May 23, nor was he present on May 24.

1. **CLOSED SESSION**

Board members met in closed session from 1:46 p.m. until 4:48 p.m. to discuss items 1g and 1h. The Board reconvened in open session at 4:49 p.m. and recessed for dinner.

Regular Meeting, continued **May 23, 2007 – 7:00 p.m.**

Amy Horne, Ph.D., Chair, called the meeting to order at 7:00 p.m. Board members present: Amy Horne, John Brissenden, Jack Clarke, Eric Sandel, and Susan Van Dam. Board member absent: Keith Dyas.

ENFORCEMENT ACTION – General Information Regarding Items 3, 4 and 5

Dr. Horne noted the public hearing had been continued at the March 14-15, 2007 Board meeting to the May 23-24, 2007 Board meeting. Dr. Horne opened the continued public hearing and administered the oath to those testifying.

Dr. Horne introduced the Board's Advisory Team: David Coupe, Counsel; Lauri Kemper, Supervising Water Resources Control Engineer; and Alan Miller, Senior Water Resource Control Engineer. Dr. Horne also introduced the Prosecution Team: Steven Blum, Counsel; and Harold Singer, Executive Officer. Ms. Kemper and Mr. Miller joined the Board on the dais.

One presentation was given for items 3-5. See item 5 for Board action.

The May 23 public hearing was recorded by an electronic reporter. To purchase a transcript, contact Peters Shorthand Reporting Corporation, 3336 Bradshaw Road, Suite 240, Sacramento, California (916) 362-2345.

3. **Consideration of a Settlement for Claims of Administrative Civil Liability Through the Adoption of an Administrative Civil Liability Order for: County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order No. R6V-2002-053 and Cease and Desist Order (Board Order No. R6V-2004-0038; and County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order Nos. 6-89-31, 6-93-18 and 6-00-57) and Cease and Desist Order (Board Order No. R6V-2004-0039)**

See General Information above. See item 5 for Board action.

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4. **Public Hearing – Consideration of Amended Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. R6V-2002-053.**

See General Information on page 2. See item 5 for Board action.

5. **Public Hearing – Consideration of Amended Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. 6-00-057.**

Harold Singer gave the staff presentation on behalf of the prosecution team. Harold Singer, Curt Shifrer, Laurent Meillier and Mike Plaziak answered questions from the Board and the Board's advisory team. Mr. Singer recommended the Board ratify the settlement by adopting the proposed Administrative Civil Liability Order and the two proposed Cease and Desist Orders.

Addressing the Board: Steve Maguin and Ray Tremblay, County Sanitation Districts of Los Angeles; Curtis Paxton, Palmdale Water District; Eugene Nebeker, Nebeker Ranch; Alisha Semchuck, Antelope Valley Press.

Board and advisory team members asked questions of Mr. Maguin, Mr. Tremblay, Dr. Nebeker, Mr. Coupe and Mr. Singer.

There being no further questions or testimony, Dr. Horne closed the public hearing and the Board adjourned to closed session.

The Board met in closed session from 9:18 p.m. to 9:49 p.m. to discuss items 1g and 1h. The Board reconvened in open session at 9:50 p.m.

Following the closed session, Dr. Horne commented that although the Board liked the idea of a settlement, the Board was not unanimous in being able to support this settlement.

- **Motion:** Moved by Mr. Sandel and seconded by Mr. Brissenden, to continue the hearing to a future date to be held no later than July 2007; request the prosecution team to continue discussions and negotiations with the Districts to modify the proposed settlement to increase the amount of base liability above \$4 million, plus additional amounts to be paid if compliance is not achieved by final compliance dates in the revised cease and desist orders; and direct the advisory team to present Board-suggested changes to the late revisions.

Mr. Blum and Mr. Singer commented that the prosecution team might not be able to meet a continued public hearing date of no later than July 2007.



Following discussion, Board members agreed to change the future hearing date from no later than July 2007, to as soon as possible. Mr. Singer noted he did not know what the District's response to the Board's action would be and asked the Board to direct him to provide them with a monthly progress report. The Board concurred.

- **Revised Motion:** Moved by Mr. Sandel and seconded by Mr. Brissenden, to continue the hearing to a future date to be held as soon as possible; request the prosecution team to continue discussions and negotiations with the Districts to modify the proposed settlement to increase the amount of base liability above \$4 million, plus additional amounts to be paid if compliance is not achieved by final compliance dates in the revised cease and desist orders; direct the advisory team to present Board-suggested changes to the late revisions; and request the Executive Officer to give a monthly progress report to the Board.

Dr. Horne asked for a roll call vote.

Voting yes: Mr. Brissenden
Mr. Clarke
Dr. Horne
Mr. Sandel
Mrs. Van Dam

Voting no: None.

- **Motion carried 5-0.**

Note: The evening meeting recessed at 10:05 p.m.

Regular Meeting, continued
May 24, 2007 – 8:30 a.m.

Amy Horne, Ph.D., Chair, called the meeting to order at 8:30 a.m. Board members present: Amy Horne, John Brissenden, Jack Clarke, Eric Sandel, and Susan Van Dam. Board member absent: Keith Dyas.

8. PUBLIC FORUM

No one addressed the Board during the Public Forum.

2. MINUTES

Minutes of the Regular Meeting of April 11, 2007 in South Lake Tahoe

- **Motion:** Moved by Mr. Brissenden, seconded by Mr. Clarke and **unanimously carried** to adopt the minutes as written.



OTHER BUSINESS**9. Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year 2007-2008**

Mr. Singer noted that no negative comments had been received.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to adopt the Resolution as proposed.

6. Executive Officer's Report

- Mr. Singer presented a Certificate of Appreciation award to Cindi Mitton. Mr. Singer thanked Ms. Mitton for serving as office manager in the Victorville office while performing her responsibilities as a unit supervisor and filling in for Mike Plaziak during his absence while on military assignment. Board members voiced appreciation to Ms. Mitton and thanked her for a job well done.
- Mr. Singer discussed items from the Executive Officer's written report for May 2007.
- Board members asked Mr. Singer to schedule a groundwater monitoring workshop.
- Mr. Singer discussed implementation of the work plan regarding injection wells in the Victor Valley. Mr. Clarke asked for a copy of the work plan.
- Mr. Singer gave a report regarding groundwater contamination in the City of Barstow related to an agricultural operation run by the City of Barstow. Sampling results have found 13 private wells above the MCL for nitrate. Water Board staff will be issuing an order to the City of Barstow requiring them to supply bottled water to homes with contaminated wells. Mr. Singer also noted staff previously issued a cease and desist order to the City of Barstow to prepare a new facilities plan for wastewater disposal and a request for a technical report under section 13267 of the Water Code asking for further delineation of the plume and submittal of a cleanup plan. Mr. Singer and Ms. Mitton answered questions from the Board.
- Mr. Singer noted staff will be revising the permit for the Victor Valley Wastewater Reclamation Authority (VWRA). Mr. Singer noted VWRA has historically used percolation ponds. Water Board staff is considering requiring new percolation ponds due to high levels of nitrate found in groundwater monitoring wells. Mr. Singer and Ms. Mitton answered questions from the Board.
- Bob Dodds recommended the Board hold a workshop regarding the assimilative capacity of groundwater basins to accept nitrates and other salt loadings. Board members concurred. Mr. Singer will schedule a workshop for a future meeting.



- Mr. Singer discussed citizen concerns related to VVWRA sludge disposal in Newberry Springs. Staff is monitoring the situation.
- Mr. Singer gave an update regarding the proposed Nursery Products site in Hinkley.
- Mr. Singer discussed two strategic plan workshops to be hosted by Water Board staff: one in Victorville on May 30; and one in Kings Beach on May 31. The State Board will be facilitating the workshops with Water Board staff assisting. Board members were encouraged to participate. Dr. Horne will give welcoming remarks and participate at the Kings Beach workshop; Mr. Clarke will give welcoming remarks and participate at the Victorville workshop. Mr. Singer will participate at both workshops. An interactive workbook is posted on the Board's website for those who cannot attend the workshop but would like to participate.
- Board members reviewed the meeting schedule for the remainder of 2007. Mr. Singer will report back to the Board regarding any changes to the schedule.
- Mr. Brissenden asked Mr. Singer to provide a status report in the next Executive Officer's Report regarding rehabilitation and trespass issues in the Bagley Valley. Mr. Brissenden thanked Mr. Dodds for participating in the fisheries meeting in Alpine County.

7. Reports by Chair and Board Members

Dr. Horne attended the Tahoe Aquatic Invasive Species Workshop on May 1-2.

10. ADJOURNMENT OF FORMAL MEETING

With no further business to come before the Board, the meeting adjourned at 9:45 a.m.

Original signed by:

Prepared by: _____ Adopted: June 13, 2007
Laurie Applegate, Executive Assistant

